

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

<b>UNITED STATES OF AMERICA</b>	)	
	)	<b>NO. 3:06-CR-92</b>
<b>v.</b>	)	
	)	<b>Judges Phillips/Guyton</b>
<b>RONALD SCOTT WEST,</b>	)	
<b>BERNADETTE TRENT WEST, and</b>	)	
<b>PRESERVATION PUBLIC, LLC.)</b>	)	

**FINAL ORDER OF FORFEITURE**

1. On August 8, 2006, a Superseding Indictment was filed in the above-referenced case charging Defendant; RONALD SCOTT WEST; PRESERVATION PUBLIC, LLC and others, with in Count One, knowingly, intentionally, and without authority, combining, conspiring, confederating, and agreeing with others to commit violations of Title 21, United States Code, Section 841(a)(1), that is, to distribute, and possess with intent to distribute, in excess of 1,000 kilograms of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A); and, in Count Two, charging Defendants, RONALD SCOTT WEST; BERNADETTE TRENT WEST; PRESERVATION PUBLIC, LLC and others, with willfully, knowingly, intentionally, and without authority combining, conspiring, confederating, and agreeing to commit certain offenses against the United States as follows: knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, conducting and attempting to conduct such financial transactions with intent to promote the carrying on of a specified unlawful activity, and the concealing and disguising the nature of, the location, source,

ownership, and control of the proceeds of a specified unlawful activity, that is, the distribution of, and possession of with intent to distribute marijuana, a Schedule I controlled substance, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), (a)(1)(B)(i) and (h).

In the forfeiture allegations of the Superseding Indictment in the above-referenced case, the United States sought forfeiture of the interest of the above-named Defendants, pursuant to Title 21, United States Code, Section 853, in any property constituting, or derived, from proceeds obtained, directly or indirectly, as a result of the conspiracy and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said conspiracy; and pursuant to, Title 18, United States Code, Section 982(a)(1), in any property involved in the violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), (a)(1)(B)(i) and (h), and any and all property traceable thereto.

2. The above Defendants have pled guilty to the Superseding Indictment as follows:

- (a) The Defendant RONALD SCOTT WEST and PRESERVATION PUBLIC, L.L.C. pled guilty on September 11, 2006, to Counts One and Two of the Superseding Indictment.
- (b) The Defendant BERNADETTE TRENT WEST and PRESERVATION PUBLIC, L.L.C. pled guilty on September 11, 2006 to Count Two of the Superseding Indictment.

3. The Defendants pled guilty as referenced above and agreed to forfeit to the United States their interest in the following properties:

**Real Property and/or Related Land Records<sup>1</sup>**

- (a) Real Property, situated in District Four (4) of Knox County, Tennessee and within the 6<sup>th</sup> Ward of the City of Knoxville, Tennessee, and being known and designated as Lot 19R, in the Resubdivision of Lots 19, 20, 21, and 22, of Swan & Mabry Addition, as shown by map recorded as Instrument No. 200303240084555, in the Knox County Register's Office, said lot being more fully bounded and described by map, to which map specific reference is hereby made for a more particular description.

Recorded in the Register of Deeds Office for Knox County, Tennessee on September 5, 2005, as Instrument Number 200509060021878, titled to the Industrial Development Board of the City of Knoxville. Being the same property conveyed by Quit Claim Deed dated May 9, 2003, from Scott and Bernadette West to Lessee recorded with the Knox County Register of Deeds at Instrument No. 200305120102834. (16, 18, 20, 22 Market Square).

- (b) The "Lease" concerning the aforesaid real property described in paragraph (1) immediately herein above, dated August 1, 2005, entered into by the Industrial Development Board of the City of Knoxville, a public nonprofit corporation organized and existing under the laws of the State of Tennessee ("Lessor"), and Preservation Public LLC ("Lessee") as evidenced by the "Memorandum of Lease" of record as Instrument Number 200509060021879 in the Register of Deeds for Knox County, Tennessee, and which reads in part as follows:

WHEREAS, Lessor is a public nonprofit corporation and a public instrumentality of the City of Knoxville, Tennessee, and is authorized under Sections 7-53-101 to 7-53-311, inclusive, Tennessee Code Annotated, as amended (the "Act"), to acquire, whether by purchase, exchange, gift, lease, or otherwise, and to own, lease and dispose of properties for certain purposes identified in the Act.

WHEREAS, in order to encourage Lessee to construct and rehabilitate an approximately 26,300 square foot residential and commercial buildings located at 16 – 22 Market Square, Knoxville, Tennessee, thereby furthering the purposes of the Act, Lessor desires to lease to Lessee and Lessee desires

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<sup>1</sup> Properties in paragraph 3 (a); (b); (c); and (d) under "Real Property and/or Related Land Records" were forfeited via a separate Final Order of Forfeiture entered on December 21, 2006 [R. 147] and all claims were addressed in this Final Order of Forfeiture in regard to these properties.

to rent from Lessor certain real property hereinafter more particularly described, on the terms and conditions set forth herein;

WHEREAS, the City Council of the City of Knoxville, Tennessee, authorized the Lessor to negotiate and accept from Lessee payments in lieu of ad-valorem taxes pursuant to Resolution No. R-377-03 approved September 10, 2003; and

NOW, THEREFORE, Lessor, for and in consideration of the payments hereinafter stipulated to be made by Lessee, and the covenants and agreements hereinafter contained to be kept and performed by Lessee, does by these presents demise, lease and let unto Lessee, and Lessee does by these presents hire, lease and rent from Lessor, for the Term (as defined below) and upon the conditions hereinafter stated, the premises described in Exhibit A attached hereto, together with all facilities and improvements now existing or hereafter constructed thereon by Lessee or otherwise.....

- (c) Real Property, located in District Four (4) of Knox County, Tennessee and within the 6<sup>th</sup> Ward of the City of Knoxville, Tennessee, being located on the East side of Market Square, and more particularly described as follows:

BEGINNING at the center of a brick division wall between Eckle and Gossett (former owners) at the pavement on said Market Square; thence Easterly with said Gossett line about 120 feet to an alley; thence Southerly along said alley 20 feet 4 inches; thence Westerly along the center of the wall of the present brick business house formerly belonging to Eckle about 120 feet to Market Square; thence Northerly 20 feet 4 inches to the BEGINNING. Being known as 28 Market Square Mall. It being the true meaning and intent to convey to the second parties to the center of each wall on each side of said lot.

Recorded in Warranty Deed registered on August 28, 2002, as Instrument Number 200208280017284, in the Register of Deeds Office for Knox County, Tennessee, titled to Scott West and wife, Bernadette West. (28 Market Square)

- (d) Real Property, located in District Four (4) of Knox County, Tennessee and within the 6<sup>th</sup> Ward of the City of Knoxville, Tennessee, and being Lot 13 of Swan and Mabry's Addition, which lot runs 28 feet on the East side of Market Mall and extends East along the South line of Wall Avenue, 118.1 feet, more or less, to an alley, and being more particularly described as follows:

BEGINNING at a point marking the intersection of the Eastern line of Market Square with the Southern side of Wall Avenue; thence in an Easterly direction and with the Southern line of Wall Avenue, North 63 deg. East 118.1 feet to an iron pin in the Westerly line of a 10 foot alley; thence in a

Southerly direction with the Western line of said alley, South 27 deg. East 28.0 feet to an iron pin; thence South 63 deg. West 118.1 feet to the Eastern line of East Market Square; thence with the Eastern line of East Market Square, North 27 deg. West 28.0 feet to the point of BEGINNING, as shown by Survey of Property of Fikret T. Gencay by Michael E. Luethke, Tennessee Registered Surveyor No. 842, Luethke Surveying Company, 6538 Vintage Drive, Knoxville, Tennessee 37921. Said survey being dated July 7, 1994, and bearing Drawing No. 94287.

Recorded in Warranty Deed registered on May 9, 2002, as Instrument Number 200205090093076, in the Register of Deeds Office for Knox County, Tennessee, titled to Bernadette West and husband, Scott West. (36 Market Square also known as 320 Wall Avenue)

**Currency**

- (a) \$7,700.00 in United States currency recovered from JAMES MICHAEL WEST on March 31, 2006.
- (b) \$2,000.00 in United States currency recovered from JAMES MICHAEL WEST on May 18, 2006.
- (c) \$5,400.00 in United States currency recovered from JAMES MICHAEL WEST on May 31, 2006.
- (d) \$13,519.00 in United States currency seized from Ronald Scott West and Bernadette Trent West on July 16, 2006, at 18 Market Square, Apartment 211, Knoxville, Tennessee.

4. Agreed Preliminary Orders of Forfeiture pursuant to the guilty pleas entered by the Defendants, forfeiting to the United States their interest in and to the properties identified hereinabove were entered as follows:

- (a) On September 11, 2006, this Court entered an Agreed Preliminary Order of Forfeiture pursuant to the guilty plea entered by the Defendant, RONALD SCOTT WEST and PRESERVATION PUBLIC, L.L.C.
- (b) On September 11, 2006, this Court entered an Agreed Preliminary Order of Forfeiture pursuant to the guilty plea entered by the Defendant, BERNADETTE TRENT WEST and PRESERVATION PUBLIC, L.L.C.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), as incorporated by Title 18, United States Code, Section 982(b), and the Agreed Preliminary Orders of Forfeiture, Notice of Forfeiture as to the properties described above, was published in the *Knoxville News Sentinel*, a newspaper of general circulation in Knoxville, Tennessee on three occasions: October 3, 2006; October 10, 2006; and October 17, 2006. Proof of publication was filed on December 4, 2006.

6. The Notice of Forfeiture advised that any person, other than the Defendants, having or claiming a legal interest in the forfeited properties described herein, must file a petition with the Court within thirty (30) days of the final publication of the notice. The notice further provided that the petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

7. Claims for the properties listed in paragraph 3 (a) - (d) above under Real Property and/or Related Land Records, have been addressed in the Final Order of Forfeiture filed on December 21, 2006. No other person, corporation, or entity has filed a claim as to the other properties listed above.

It is therefore ORDERED, ADJUDGED AND DECREED:

1. That the following properties be and the same are hereby forfeited to the United States, pursuant to Title 21, United States Code, Section 853(h) and Title 18, United States Code, Section 982, and all right, title and interest in said properties be and the same are hereby vested in the United States:

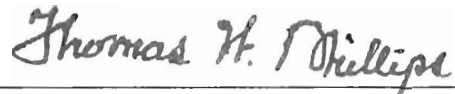
- (a) \$7,700.00 in United States currency recovered from JAMES MICHAEL WEST on March 31, 2006.

- (b) \$2,000.00 in United States currency recovered from JAMES MICHAEL WEST on May 18, 2006.
- (c) \$5,400.00 in United States currency recovered from JAMES MICHAEL WEST on May 31, 2006.
- (d) \$13,519.00 in United States currency seized from Ronald Scott West and Bernadette Trent West on July 16, 2006, at 18 Market Square, Apartment 211, Knoxville, Tennessee.

2. That the United States Department of Treasury shall dispose of said forfeited properties according to law.

3. That the Clerk of this Court provide the Internal Revenue Service and the United States Attorney's Office with a certified copy of this Final Order of Forfeiture.

ENTER:



THOMAS W. PHILLIPS  
UNITED STATES DISTRICT JUDGE

Submitted by:

JAMES R. DEDRICK  
United States Attorney

s/ Hugh B. Ward, Jr.  
HUGH B. WARD, JR.  
Assistant United States Attorney

s/ David C. Jennings  
DAVID C. JENNINGS  
Assistant United States Attorney

s/ Phillip A. Apodaca (with permission Hugh B. Ward, Jr.)  
PHILLIP A. APODACA  
Defendant

s/ Rudy Valenzuela (with permission Hugh B. Ward, Jr.)  
RUDY VALENZUELA  
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s/ Mark Anthony Cort (with permission Hugh B. Ward, Jr.)  
MARK ANTHONY CORT  
Defendant

s/ James A.H. Bell (with permission Hugh B. Ward, Jr.)  
JAMES A.H. BELL  
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